

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN SENATE MAY 6, 2013

AMENDED IN SENATE APRIL 25, 2013

SENATE BILL

No. 198

Introduced by Senator Lieu

February 7, 2013

An act to amend Sections 2071, 2602, 2603, 2604, 2607, 2607.5, 2608, 2608.5, 2611, 2612, 2614, 2615, 2620.7, 2630, 2636, 2636.5, 2638, 2651, 2660, 2660.2, 2660.3, 2660.5, 2661, 2661.7, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2672, and 2682 of, to amend the headings of Article 1 (commencing with Section 2600) of, and Article 2 (commencing with Section 2620) of, Chapter 5.7 of Division 2 of, to amend and renumber Section 2676 of, to amend and renumber the headings of Article 4 (commencing with Section 2650) of, Article 5 (commencing with Section 2660) of, Article 5.5 (commencing with Section 2662) of, Article 6 (commencing with Section 2670) of, Article 7 (commencing with Section 2680) of, and Article 8 (commencing with Section 2690) of, Chapter 5.7 of Division 2 of, to add Sections 2603.5, 2605, 2623, 2630.3, 2630.4, 2630.5, 2633.5, 2633.7, 2639.1, 2654, 2660.4, and 2660.8 to, to add the heading of Article 3 (commencing with Section 2635) to, and to add Article 4 (commencing with Section 2644) to, Chapter 5.7 of Division 2 of, to repeal Sections 2604.5, 2609, 2632, 2640, 2650.1, 2650.2, 2652, 2683, 2684, and 2685 of, to repeal the headings of Article 3 (commencing with Section 2630) of, and Article 6.5 (commencing with Section 2676) of, and to repeal Article 4.5 (commencing with Section 2655) of, Chapter 5.7 of Division 2 of,

and to repeal and add Sections 2601, 2622, 2639, 2650, and 2653 of, the Business and Professions Code, and to amend Sections 12529 and 12529.5 of the Government Code, relating to physical therapy, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Lieu. Physical Therapy Board of California.

(1) Existing law, the Physical Therapy Practice Act, provides for the licensure, approval, and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California within the Department of Consumer Affairs. Existing law, until January 1, 2014, requires the board to enforce and administer the act and authorizes the board to appoint an executive officer. A violation of the act is a crime.

This bill would revise and recast those provisions. Among other things, the bill would extend, until January 1, 2018, the board's authority to enforce and administer the act and to appoint an executive officer. The bill would provide for the licensure of physical therapist assistants and impose additional requirements and authority on the board, including to enter into contracts for services necessary for enforcement of the act. The bill would revise the composition of the board and prescribe the duties of the board. The bill would authorize the board, by regulation, to prescribe, amend, or repeal any rules contained within a code of professional conduct appropriate to the establishment and maintenance of integrity and dignity in the profession of physical therapy. The bill would provide exemptions from the licensure requirements for students and physical therapists licensed in other jurisdictions, as specified. The bill would also make related, technical changes.

This bill would also expand the acts that constitute unprofessional conduct to include, among other things, practicing or offering to practice beyond the scope of practice of physical therapy and unlawful possession, use, or conviction of a criminal offense involving a controlled substance. The bill would impose a civil penalty upon a licensee who fails to, or refuses to, comply with a request from the board for the medical records of a patient, as specified. By revising the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Department of Justice the Health Quality Enforcement Section, the primary responsibility of which is to prosecute proceedings against licensees and applicants within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, the Board of Psychology, or any committee under the jurisdiction of the Medical Board of California, and to provide ongoing review of the investigative activities conducted in support of those prosecutions. Existing law requires that the funding of the Section be from the special funds financing the operations of those boards and the committees under the jurisdiction of the Medical Board of California, with the intent that the expenses be proportionally shared as to services rendered.

This bill would additionally include within the primary responsibility of the Section prosecution of proceedings against those licensees and applicants within the jurisdiction of the Physical Therapy Board of California. The bill would also require a proportional share of the funding for the Section to be budgeted from the special funds financing the operation of the Physical Therapy Board of California, which are continuously appropriated, thereby making an appropriation.

(3) *The bill would incorporate additional changes to Section 2660 of the Business and Professions Code proposed by AB 1000 that would become operative if this bill and AB 1000 are enacted and this bill is chaptered last.*

~~(3)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2071 of the Business and Professions
2 Code is amended to read:
3 2071. The board shall adopt and administer regulations that
4 establish standards for technical supportive services that may be
5 performed by a medical assistant. Nothing in this section shall
6 prohibit the board from amending or repealing regulations covering

1 medical assistants. The board shall, prior to the adoption of any
2 regulations, request recommendations regarding these standards
3 from appropriate public agencies, including, but not limited to, the
4 State Board of Optometry, the Board of Registered Nursing, the
5 Board of Vocational Nursing and Psychiatric Technicians, the
6 Laboratory Field Services division of the State Department of
7 Public Health, those divisions of the State Department of Education
8 that pertain to private postsecondary education and career and
9 vocational preparation, the Chancellor of the California Community
10 Colleges, the California Board of Podiatric Medicine, the Physician
11 Assistant Examining Committee, and the Physical Therapy Board
12 of California. The board shall also request recommendations
13 regarding these standards from associations of medical assistants,
14 physicians and surgeons, nurses, doctors of podiatric medicine,
15 physician assistants, physical therapists, laboratory technologists,
16 optometrists, and others as the board finds appropriate, including,
17 but not limited to, the California Optometric Association, the
18 California Nurses Association, the California Medical Association,
19 the California Society of Medical Assistants, the California Medical
20 Assistants Association, and the California Physical Therapy
21 Association. Nothing in this section shall be construed to supersede
22 or modify that portion of the Administrative Procedure Act that
23 relates to the procedure for the adoption of regulations and which
24 is set forth in Article 5 (commencing with Section 11346) of
25 Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
26 Code.

27 SEC. 2. The heading of Article 1 (commencing with Section
28 2600) of Chapter 5.7 of Division 2 of the Business and Professions
29 Code is amended to read:

30
31 Article 1. Administration and General Provisions
32

33 SEC. 3. Section 2601 of the Business and Professions Code is
34 repealed.

35 SEC. 4. Section 2601 is added to the Business and Professions
36 Code, to read:

37 2601. For the purpose of this chapter, the following terms shall
38 have the following meanings, unless otherwise specified:

- 39 (a) "Board" means the Physical Therapy Board of California.

1 (b) “Physical therapist” means a person who is licensed pursuant
2 to this chapter to practice physical therapy.

3 (c) “Physical therapist assistant” means a person who is licensed
4 pursuant to this chapter to assist in the provision of physical therapy
5 under the supervision of a licensed physical therapist. “Physical
6 therapy assistant” and “physical therapist assistant” shall be deemed
7 identical and interchangeable terms.

8 (d) “Physical therapist technician” and “physical therapy aide,”
9 as described in Section 2630.4, shall be deemed identical and
10 interchangeable terms.

11 (e) “Physiotherapy” shall be synonymous with “physical
12 therapy.”

13 SEC. 5. Section 2602 of the Business and Professions Code is
14 amended to read:

15 2602. The Physical Therapy Board of California, hereafter
16 referred to as the board, shall enforce and administer this chapter.

17 This section shall remain in effect only until January 1, 2018,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2018, deletes or extends that date.

20 Notwithstanding any other provision of law, the repeal of this
21 section renders the board subject to review by the appropriate
22 policy committees of the Legislature.

23 SEC. 6. Section 2603 of the Business and Professions Code is
24 amended to read:

25 2603. The members of the board shall consist of four physical
26 therapists, only one of whom shall be involved in physical therapy
27 education, and three public members.

28 SEC. 7. Section 2603.5 is added to the Business and Professions
29 Code, to read:

30 2603.5. (a) The physical therapist members of the board shall
31 be appointed from persons having all of the following
32 qualifications:

33 (1) Be a resident of California.

34 (2) Possess a valid and unrestricted license in California issued
35 pursuant to this chapter.

36 (3) Have been licensed pursuant to this chapter and practicing
37 in California for at least five years prior to appointment to the
38 board.

39 (b) (1) The public members of the board shall have both of the
40 following qualifications:

1 (A) Be appointed from persons having all of the qualifications
2 as set forth in Chapter 6 (commencing with Section 450) of
3 Division 1.

4 (B) Be a resident of California.

5 (2) No public member of the board shall be, nor have been, any
6 of the following:

7 (A) An officer or faculty member of any college, school, or
8 institution involved in physical therapy education.

9 (B) A licentiate of the Medical Board of California or of any
10 board under this division or of any board referred to in Section
11 1000 or 3600.

12 SEC. 8. Section 2604 of the Business and Professions Code is
13 amended to read:

14 2604. The members of the board shall be appointed for a term
15 of four years, expiring on the first day of June of each year.

16 The Governor shall appoint one of the public members and the
17 four physical therapist members of the board qualified as provided
18 in Sections 2603 and 2603.5. The Senate Committee on Rules and
19 the Speaker of the Assembly shall each appoint a public member
20 qualified as provided in Section 2603.5.

21 No person may serve as a member of the board for more than
22 two consecutive terms. Vacancies shall be filled by appointment
23 for the unexpired term. Annually, the board shall elect one of its
24 members as president and one of its members as vice president.

25 The appointing power shall have the power to remove any
26 member of the board from office for neglect of any duty required
27 by law or for incompetency or unprofessional or dishonorable
28 conduct.

29 SEC. 9. Section 2604.5 of the Business and Professions Code
30 is repealed.

31 SEC. 10. Section 2605 is added to the Business and Professions
32 Code, to read:

33 2605. The board shall do all of the following:

34 (a) Evaluate the qualifications of applicants for licensure.

35 (b) Provide for the examinations of physical therapists and
36 physical therapist assistants and establish a passing score for each
37 examination.

38 (c) Issue all licenses for the practice of physical therapy in
39 California. Except as otherwise required by the director pursuant
40 to Section 164, the license issued by the board shall describe the

1 licensee as a “physical therapist” or “physical therapist assistant”
2 licensed by the Physical Therapy Board of California.

3 (d) Suspend and revoke licenses and otherwise enforce the
4 provisions of this chapter.

5 (e) Administer a continuing competency program.

6 (f) Participate, as a member, in the Delegate Assembly, and in
7 applicable committee meetings, of the Federation of State Boards
8 of Physical Therapy.

9 (g) Publish, at least annually, a newsletter that includes, but is
10 not limited to, actions taken by the board, disciplinary actions, and
11 relevant statutory and regulatory changes.

12 (h) Provide for the timely orientation and training of new
13 professional and public member appointees to the board directly
14 related to board licensing and disciplinary functions and board
15 rules, policies, and procedures.

16 (i) Adopt and administer a program of education in matters
17 relevant to the regulation of physical therapy.

18 SEC. 11. Section 2607 of the Business and Professions Code
19 is amended to read:

20 2607. The board may employ, subject to law, such clerical
21 assistants and, except as provided in Section 159.5, other
22 employees as it may deem necessary to carry out its powers and
23 duties.

24 The board may enter into contracts for services necessary for
25 enforcement of this chapter and may as necessary select and
26 contract with physical therapy consultants who are licensed
27 physical therapists to assist it in its programs on an intermittent
28 basis. Notwithstanding any other provision of law, the board may
29 contract with these consultants on a sole source basis. For the
30 purposes of Division 3.6 (commencing with Section 810) of Title
31 1 of the Government Code, any consultant under contract with the
32 board shall be considered a public employee.

33 SEC. 12. Section 2607.5 of the Business and Professions Code
34 is amended to read:

35 2607.5. (a) The board may employ an executive officer exempt
36 from the provisions of the State Civil Service Act (Part 2
37 (commencing with Section 18500) of Division 5 of Title 2 of the
38 Government Code) and may also employ investigators, legal
39 counsel, physical therapist consultants, and other assistance as it
40 may deem necessary to carry out this chapter. The board may fix

1 the compensation to be paid for services and may incur other
2 expenses as it may deem necessary. Investigators employed by the
3 board shall be provided special training in investigating physical
4 therapy practice activities.

5 (b) The Attorney General shall act as legal counsel for the board
6 for any judicial and administrative proceedings and his or her
7 services shall be a charge against it.

8 (c) This section shall remain in effect only until January 1, 2018,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2018, deletes or extends that date.

11 SEC. 13. Section 2608 of the Business and Professions Code
12 is amended to read:

13 2608. The procedure in all matters and proceedings relating to
14 the denial, suspension, revocation, or probationary restriction of
15 licenses issued by the board under this chapter shall be governed
16 by the provisions of Chapter 5 (commencing with Section 11500)
17 of Part 1 of Division 3 of Title 2 of the Government Code.

18 SEC. 14. Section 2608.5 of the Business and Professions Code
19 is amended to read:

20 2608.5. Each member of the board, or any licensed physical
21 therapist appointed by the board, may inspect, or require reports
22 from, a general or specialized hospital or any other facility
23 providing physical therapy care, treatment or services and the
24 physical therapy staff thereof, with respect to the physical therapy
25 care, treatment, services, or facilities provided therein, and may
26 inspect physical therapy patient records with respect to the care,
27 treatment, services, or facilities. The authority to make inspections
28 and to require reports as provided by this section shall not be
29 delegated by a member of the board to any person other than a
30 physical therapist and shall be subject to the restrictions against
31 disclosure described in subdivision (u) of Section 2660.

32 SEC. 15. Section 2609 of the Business and Professions Code
33 is repealed.

34 SEC. 16. Section 2611 of the Business and Professions Code
35 is amended to read:

36 2611. The board shall meet at least three times each calendar
37 year, meeting at least once each calendar year in northern California
38 and once each calendar year in southern California. The board may
39 convene from time to time until its business is concluded. Special
40 meetings of the board may be held at any time and place as the

1 board may designate. Four members of the board shall constitute
2 a quorum for the transaction of business.

3 SEC. 17. Section 2612 of the Business and Professions Code
4 is amended to read:

5 2612. The board shall comply with the Bagley-Keene Open
6 Meeting Act (Article 9 (commencing with Section 11120) of
7 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
8 Code).

9 SEC. 18. Section 2614 of the Business and Professions Code
10 is amended to read:

11 2614. The board shall hear all matters, including, but not
12 limited to, any contested case or any petition for reinstatement,
13 restoration, or modification of probation. Except as otherwise
14 provided in this chapter, all hearings shall be conducted in
15 accordance with Chapter 5 (commencing with Section 11500) of
16 Part 1 of Division 3 of Title 2 of the Government Code. If a
17 contested case is heard by the board the hearing officer who
18 presided at the hearing shall be present during the board's
19 consideration of the case and, if requested, shall assist and advise
20 the board. The board shall issue its decision pursuant to Section
21 11517 of the Government Code.

22 SEC. 19. Section 2615 of the Business and Professions Code
23 is amended to read:

24 2615. The board shall adopt those regulations as may be
25 necessary to effectuate this chapter. In adopting regulations the
26 board shall comply with Chapter 3.5 (commencing with Section
27 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

28 SEC. 20. The heading of Article 2 (commencing with Section
29 2620) of Chapter 5.7 of Division 2 of the Business and Professions
30 Code is amended to read:

31
32 Article 2. Scope of Regulation and Exemptions
33

34 SEC. 21. Section 2620.7 of the Business and Professions Code
35 is amended to read:

36 2620.7. (a) Patient records shall be documented as required
37 in regulations promulgated by the board.

38 (b) Patient records shall be maintained for a period of no less
39 than seven years following the discharge of the patient, except that
40 the records of unemancipated minors shall be maintained at least

1 one year after the minor has reached 18 years of age, and not in
2 any case less than seven years.

3 SEC. 22. Section 2622 of the Business and Professions Code
4 is repealed.

5 SEC. 23. Section 2622 is added to the Business and Professions
6 Code, to read:

7 2622. (a) A physical therapist shall be responsible for
8 managing all aspects of the care of each patient as set forth in
9 regulations promulgated by the board.

10 (b) A physical therapist shall not supervise more than two
11 physical therapist assistants at one time to assist the physical
12 therapist in his or her practice of physical therapy.

13 (c) A physical therapist may utilize the services of one aide
14 engaged in patient-related tasks to aid the physical therapist in his
15 or her practice of physical therapy.

16 SEC. 24. Section 2623 is added to the Business and Professions
17 Code, to read:

18 2623. The board may, by regulation, prescribe, amend, or repeal
19 any rules contained within a code of professional conduct
20 appropriate to the establishment and maintenance of integrity and
21 dignity in the profession of physical therapy. Every licensee of the
22 board shall be governed and controlled by the rules and standards
23 adopted by the board.

24 SEC. 25. The heading of Article 3 (commencing with Section
25 2630) of Chapter 5.7 of Division 2 of the Business and Professions
26 Code is repealed.

27 SEC. 26. Section 2630 of the Business and Professions Code
28 is amended to read:

29 2630. It is unlawful for any person or persons to practice, or
30 offer to practice, physical therapy in this state for compensation
31 received or expected, or to hold himself or herself out as a physical
32 therapist, unless at the time of so doing the person holds a valid,
33 unexpired, and unrevoked physical therapist license issued under
34 this chapter, except as authorized by subdivisions (c), (d), (e), and
35 (g) of Section 2630.5.

36 SEC. 27. Section 2630.3 is added to the Business and
37 Professions Code, to read:

38 2630.3. (a) A licensed physical therapist assistant holding a
39 valid, unexpired, and unrevoked physical therapist assistant license
40 may assist in the provision of physical therapy services only under

1 the supervision of a physical therapist licensed by the board. A
2 licensed physical therapist shall at all times be responsible for the
3 extent, kind, quality, and documentation of all physical therapy
4 services provided by the physical therapist assistant.

5 (b) It is unlawful for any person or persons to hold himself or
6 herself out as a physical therapist assistant, unless at the time of
7 so doing the person holds a valid, unexpired, and unrevoked
8 physical therapist assistant license issued under this chapter, except
9 as authorized in subdivisions (f) and (g) of Section 2630.5.

10 (c) Physical therapist assistants shall not be independently
11 supervised by a physical therapist license applicant, as defined in
12 Section 2639, or a physical therapist student, as defined in Section
13 2633.7.

14 (d) A physical therapist assistant shall not perform any
15 evaluation of a patient or prepare a discharge summary. The
16 supervising physical therapist shall determine which elements of
17 the treatment plan, if any, shall be assigned to the physical therapist
18 assistant. Assignment of patient care shall be commensurate with
19 the competence of the physical therapist assistant.

20 SEC. 28. Section 2630.4 is added to the Business and
21 Professions Code, to read:

22 2630.4. (a) A “physical therapy aide” is an unlicensed person,
23 at least 18 years of age, who aids a licensed physical therapist
24 consistent with subdivision (b).

25 (b) The aide shall at all times be under the supervision of the
26 physical therapist. An aide shall not independently perform
27 physical therapy or any physical therapy procedure. The board
28 shall adopt regulations that set forth the standards and requirements
29 for the supervision of an aide by a physical therapist.

30 (c) Physical therapy aides shall not be independently supervised
31 by a physical therapist license applicant, as defined in Section
32 2639, or a physical therapist student, as defined in Section 2633.7.

33 (d) This section does not prohibit the administration by a
34 physical therapy aide of massage, external baths, or normal exercise
35 not a part of a physical therapy treatment.

36 SEC. 29. Section 2630.5 is added to the Business and
37 Professions Code, to read:

38 2630.5. The following persons are exempt from the licensure
39 requirements of this chapter when engaged in the following
40 activities:

1 (a) A regularly matriculated physical therapist student
2 undertaking a course of professional instruction in an approved
3 entry-level physical therapy education program or enrolled in a
4 program of supervised clinical education under the direction of an
5 approved physical therapy education program as described in
6 Section 2651. These physical therapist students may perform
7 physical therapy as a part of their course of study.

8 (b) A regularly matriculated physical therapist assistant student
9 undertaking a course of instruction in an approved physical therapy
10 education program or enrolled in a program of supervised clinical
11 education under the direction of an approved physical therapy
12 education program as described in Section 2651. These physical
13 therapist assistant students may perform physical therapy
14 techniques as a part of their course of study.

15 (c) A physical therapist who holds a valid and unrestricted
16 license in another jurisdiction of the United States or who is
17 credentialed to practice physical therapy in another country if that
18 person is researching, demonstrating, or providing physical therapy
19 in connection with teaching or participating in an educational
20 seminar of no more than 60 days in a calendar year.

21 (d) A physical therapist located outside this state, when in actual
22 consultation, whether within this state or across state lines, with a
23 licensed physical therapist of this state, or when he or she is an
24 invited guest of the American Physical Therapy Association or
25 one of its components, or an invited guest of an approved physical
26 therapy school or college for the sole purpose of engaging in
27 professional education through lectures, clinics, or demonstrations,
28 if, at the time of the consultation, lecture, or demonstration, he or
29 she holds a valid and unrestricted physical therapist license in the
30 state or country in which he or she resides. The physical therapist
31 shall not open an office, appoint a place to meet patients, receive
32 calls from patients within the limits of this state, give orders, or
33 have ultimate authority over the care of a physical therapy patient
34 who is located within this state.

35 (e) A physical therapist who holds a valid and unrestricted
36 license in another jurisdiction of the United States or credentialed
37 to practice physical therapy in another country if that person, by
38 contract or employment, is providing physical therapy to
39 individuals affiliated with or employed by established athletic
40 teams, athletic organizations, or performing arts companies

1 temporarily practicing, competing, or performing in the state for
2 no more than 60 days in a calendar year.

3 (f) A physical therapist assistant who holds a valid and
4 unrestricted license in another jurisdiction of the United States and
5 is assisting a physical therapist engaged in activities described in
6 subdivision (c), (d), or (e).

7 (g) A physical therapist or physical therapist assistant who has
8 a valid and unrestricted license in a jurisdiction of the United States
9 who is forced to leave his or her residence in a state other than
10 California due to a governmentally declared emergency. This
11 exemption applies for no more than 60 days following the
12 declaration of the emergency. In order to be eligible for this
13 exemption, the physical therapist or physical therapist assistant
14 shall notify the board of his or her intent to practice in this state
15 and provide a valid mailing address, telephone number, and email
16 address.

17 SEC. 30. Section 2632 of the Business and Professions Code
18 is repealed.

19 SEC. 31. Section 2633.5 is added to the Business and
20 Professions Code, to read:

21 2633.5. (a) Only a person licensed as a physical therapist
22 assistant by the board may use the title “physical therapist assistant”
23 or “physical therapy assistant” or the letters “PTA” or any other
24 words, letters, or figures that indicate that the person is a physical
25 therapist assistant licensed pursuant to this chapter.

26 (b) The license of a physical therapist assistant shall not
27 authorize the use of the prefix “LPT,” “RPT,” “PT,” or “Dr.,” or
28 the title “physical therapist,” “therapist,” “doctor,” or any affix
29 indicating or implying that the physical therapist assistant is a
30 physical therapist or doctor.

31 SEC. 32. Section 2633.7 is added to the Business and
32 Professions Code, to read:

33 2633.7. During a period of clinical practice described in Section
34 2650 or in any similar period of observation of related educational
35 experience involving recipients of physical therapy, a person so
36 engaged shall be identified only as a “physical therapist student”
37 or a “physical therapist assistant student,” as authorized by the
38 board in its regulations.

1 SEC. 33. The heading of Article 3 (commencing with Section
2 2635) is added to Chapter 5.7 of Division 2 of the Business and
3 Professions Code, to read:

4
5 Article 3. Qualifications and Requirements for Licensure
6

7 SEC. 34. Section 2636 of the Business and Professions Code
8 is amended to read:

9 2636. (a) Except as otherwise provided in this chapter, no
10 person shall receive a license under this chapter without first
11 successfully passing the following examinations, where success
12 is determined based on the examination passing standard set by
13 the board:

14 (1) An examination under the direction of the board to
15 demonstrate the applicant's knowledge of the laws and regulations
16 related to the practice of physical therapy in California. The
17 examination shall reasonably test the applicant's knowledge of
18 these laws and regulations.

19 (2) The physical therapy examination for the applicant's
20 licensure category. The examination for licensure as a physical
21 therapist shall test entry-level competence to practice physical
22 therapy. The examination for licensure as a physical therapist
23 assistant shall test entry-level competence to practice as a physical
24 therapist assistant in the technical application of physical therapy
25 services.

26 (b) An applicant may take the examinations for licensure as a
27 physical therapist or for licensure as a physical therapist assistant
28 after the applicant has met the educational requirements for that
29 particular category of licensure.

30 (c) The examinations required by the board for a license under
31 this chapter may be conducted by the board or by a public or
32 private organization specified by the board. The examinations may
33 be conducted under a uniform examination system and, for that
34 purpose, the board may make arrangements with organizations
35 furnishing examination materials as may, in its discretion, be
36 desirable.

37 SEC. 35. Section 2636.5 of the Business and Professions Code
38 is amended to read:

39 2636.5. (a) An applicant may be issued a license without a
40 written examination if he or she meets all of the following:

1 (1) He or she is at the time of application licensed as a physical
2 therapist or physical therapist assistant in a state, district, or
3 territory of the United States having, in the opinion of the board,
4 requirements for licensing equal to or higher than those in
5 California, and he or she has passed, to the satisfaction of the board,
6 an examination for licensing that is, in the opinion of the board,
7 comparable to the examination used in this state.

8 (2) He or she is a graduate of a physical therapist or physical
9 therapist assistant education program approved by the board, or
10 has met the requirements of Section 2653.

11 (3) He or she files an application with the board and meets the
12 requirements prescribed by Sections 2635 and 2650.

13 (b) An applicant for licensure under subdivision (a), whose
14 application is based on a certificate issued by a physical therapy
15 licensing authority of another state may be required to file a
16 statement of past work activity.

17 (c) An applicant who has filed a physical therapy application
18 under this section with the board for the first time may, between
19 the date of receipt of notice that his or her application is on file
20 and the date of receipt of his or her license, perform as a physical
21 therapist or physical therapist assistant, as appropriate, under the
22 supervision of a physical therapist licensed in this state.

23 During this period the applicant shall identify himself or herself
24 only as a “physical therapist license applicant” or “physical
25 therapist assistant license applicant,” as appropriate.

26 If the applicant under this section does not qualify and receive
27 a license as provided in this section and does not qualify under
28 Section 2639, all privileges under this section shall terminate upon
29 notice by the board. An applicant may only qualify once to perform
30 as a physical therapist license applicant or physical therapist
31 assistant license applicant.

32 SEC. 36. Section 2638 of the Business and Professions Code
33 is amended to read:

34 2638. Any applicant for licensure as a physical therapist or
35 physical therapist assistant who fails to pass the examination
36 required by the board may retake the licensing examination and
37 shall pay the reexamination fee.

38 SEC. 37. Section 2639 of the Business and Professions Code
39 is repealed.

SEC. 38. Section 2639 is added to the Business and Professions Code, to read:

2639. (a) (1) Every graduate of an approved physical therapy education program who has filed a complete application, as defined in regulation, for licensure with the board and has been awarded either physical therapist license applicant status or physical therapist assistant license applicant status shall practice under the supervision of a licensed physical therapist pursuant to this chapter for no more than 120 days pending the results of the first licensing examination administered. If the applicant passes the examination, the physical therapist license applicant status or physical therapist assistant license applicant status shall remain in effect until a regular renewable license is issued, or licensure is denied, by the board. A supervising physical therapist shall document receipt of the letter authorizing the physical therapist license applicant status or physical therapist assistant license applicant status and record the expiration date of that status in the employee record. A supervising physical therapist shall require the applicant to provide documentation of the license issued at the conclusion of the physical therapist license applicant status or physical therapist assistant license applicant status. During this period the applicant shall identify himself or herself only as “physical therapist license applicant” or “physical therapist assistant license applicant,” as appropriate.

(2) A person shall not be considered a graduate unless he or she has successfully completed all the clinical training and internship required for graduation from the education program.

(b) A physical therapist license applicant who has been awarded license applicant status may perform as a physical therapist if he or she is under the supervision of a physical therapist licensed by the board. A physical therapist assistant license applicant who has been awarded license applicant status may perform as a physical therapist assistant if he or she is under the supervision of a physical therapist licensed by the board. The applicant shall comply with any requirements applicable to the license for which he or she applied. An applicant may not perform in those capacities if he or she fails the first examination attempt.

SEC. 39. Section 2639.1 is added to the Business and Professions Code, to read:

1 2639.1. A person having, in the opinion of the board, training
2 or experience, or a combination of training and experience,
3 equivalent to that obtained in an approved physical therapist
4 assistant education program and who meets the requirements of
5 Section 2635 may apply for licensure as a physical therapist
6 assistant.

7 SEC. 40. Section 2640 of the Business and Professions Code
8 is repealed.

9 SEC. 41. Article 4 (commencing with Section 2644) is added
10 to Chapter 5.7 of Division 2 of the Business and Professions Code,
11 to read:

12
13 Article 4. Renewal of Licenses
14

15 2644. (a) Every license issued under this chapter shall expire
16 at 12 a.m. on the last day of the birth month of the licensee during
17 the second year of a two-year term, if not renewed.

18 (b) To renew an unexpired license, the licensee shall, on or
19 before the date on which it would otherwise expire, apply for
20 renewal on a form prescribed by the board, pay the prescribed
21 renewal fee, and submit proof of the completion of continuing
22 competency required by the board pursuant to Section 2649. The
23 licensee shall disclose on his or her license renewal application
24 any misdemeanor or other criminal offense for which he or she
25 has been found guilty or to which he or she has pleaded guilty or
26 no contest.

27 2645. At least 60 days before the expiration of any license, the
28 board shall mail to each licensee under this chapter, at the latest
29 address furnished by the licensee to the board, a notice stating the
30 amount of the renewal fee and the date on which it is due, and that
31 failure to pay it on or before the due date shall result in expiration
32 of the license.

33 2646. A license that has expired may be renewed at any time
34 within five years after its expiration by applying for renewal as
35 set forth in Section 2644. Renewal under this section shall be
36 effective on the date on which the renewal application is filed, on
37 the date on which the renewal fee or accrued renewal fees are paid,
38 or on the date on which the delinquency fee and penalty fee, if
39 any, are paid, whichever last occurs. A renewed license shall
40 continue in effect through the expiration date set forth in Section

1 2644 that next occurs after the effective date of the renewal, at
2 which time it shall expire and become invalid if it is not so
3 renewed.

4 2647. A person who fails to renew his or her license within
5 five years after its expiration may not renew it, and it shall not be
6 reissued, reinstated, or restored thereafter. However, the person
7 may apply for a new license if he or she satisfies the requirements
8 set forth in Article 3 (commencing with Section 2635).

9 2648. (a) A licensee is exempt from the payment of the renewal
10 fee while engaged in full-time training or active service in the
11 United States Army, Navy, Air Force, Marines, or Coast Guard,
12 or in the United States Public Health Service.

13 (b) A person exempted from the payment of the renewal fee by
14 this section shall not engage in any practice of, or assistance in the
15 provision of, physical therapy not related to his or her military
16 service and shall become liable for payment of the fee for the
17 current renewal period upon his or her discharge from full-time
18 active service and shall have a period of 60 days after becoming
19 liable within which to pay the renewal fee before the delinquency
20 fee is required. Any person who is discharged from active service
21 within 60 days of the end of the renewal period is exempt from
22 the payment of the renewal fee for that period.

23 (c) The time spent in full-time active service or training shall
24 not be included in the computation of the five-year period for
25 renewal and reinstatement of licensure provided in Section 2646.

26 (d) A person exempt from renewal fees under this section shall
27 not be exempt from meeting the requirements of Section 2649.

28 2648.3. A licensee who demonstrates to the satisfaction of the
29 board that he or she is unable to practice, or assist in the provision
30 of, physical therapy due to a disability may request a waiver of
31 the license renewal fee. The granting of a waiver shall be at the
32 discretion of the board and may be terminated at any time. Waivers
33 shall be based on the inability of a licensee to practice, or assist in
34 the provision of, physical therapy. A licensee whose renewal fee
35 has been waived pursuant to this section shall not engage in the
36 practice of, or assist in the provision of, physical therapy unless
37 and until the licensee pays the current renewal fee and does either
38 of the following:

39 (a) Establishes to the satisfaction of the board, on a form
40 prescribed by the board and signed under penalty of perjury, that

1 the licensee's disability either no longer exists or does not affect
2 his or her ability to practice, or assist in the provision of, physical
3 therapy safely.

4 (b) Signs an agreement, on a form prescribed by the board and
5 signed under penalty of perjury, to limit his or her practice of, or
6 assistance in the provision of, physical therapy in the manner
7 prescribed by his or her reviewing physician.

8 (c) A person exempt from renewal fees under this section shall
9 not be exempt from meeting the requirements of Section 2649.

10 2648.5. (a) The renewal fee shall be waived for licensees
11 residing in California who certify to the board that license renewal
12 is for the sole purpose of providing voluntary, unpaid physical
13 therapy services.

14 (b) A person exempt from renewal fees under this section shall
15 not be exempt from meeting the requirements of Section 2649.

16 2648.7. A licensee is exempt from the payment of the renewal
17 fee and from meeting the requirements set forth in Section 2649
18 if he or she has applied to the board for retired license status. A
19 holder of a license in retired status pursuant to this section shall
20 not engage in the practice of, or assist in the provision of, physical
21 therapy unless the licensee applies for renewal and meets all of
22 the requirements as set forth in Section 2644.

23 SEC. 42. The heading of Article 4 (commencing with Section
24 2650) of Chapter 5.7 of Division 2 of the Business and Professions
25 Code is amended and renumbered to read:

26
27 Article 5. Educational Standards
28

29 SEC. 43. Section 2650 of the Business and Professions Code
30 is repealed.

31 SEC. 44. Section 2650 is added to the Business and Professions
32 Code, to read:

33 2650. (a) The physical therapist education requirements are
34 as follows:

35 (1) Except as otherwise provided in this chapter, each applicant
36 for a license as a physical therapist shall be a graduate of a
37 professional degree program of an accredited postsecondary
38 institution or institutions approved by the board and shall have
39 completed a professional education program including academic
40 course work and clinical internship in physical therapy.

(2) Unless otherwise specified by the board by regulation, the educational requirements shall include instruction in the subjects prescribed by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association or Physiotherapy Education Accreditation Canada and shall include a combination of didactic and clinical experiences. The clinical experience shall include at least 18 weeks of full-time experience with a variety of patients.

(b) The physical therapist assistant educational requirements are as follows:

(1) Except as otherwise provided in this chapter, each applicant for a license as a physical therapist assistant shall be a graduate of a physical therapist assistant program of an accredited postsecondary institution or institutions approved by the board, and shall have completed both the academic and clinical experience required by the physical therapist assistant program, and have been awarded an associate degree.

(2) Unless otherwise specified by the board by regulation, the educational requirements shall include instruction in the subjects prescribed by the CAPTE of the American Physical Therapy Association or Physiotherapy Education Accreditation Canada or such other body as may be approved by the board by regulation and shall include a combination of didactic and clinical experiences. The clinical experience shall include at least 18 weeks of full-time experience with a variety of patients.

SEC. 45. Section 2650.1 of the Business and Professions Code is repealed.

SEC. 46. Section 2650.2 of the Business and Professions Code is repealed.

SEC. 47. Section 2651 of the Business and Professions Code is amended to read:

2651. The board shall approve only those physical therapist and physical therapist assistant education programs that prove to the satisfaction of the board that they comply with the minimum physical therapist or physical therapist assistant educational requirements set forth in this chapter and adopted by the board pursuant to this chapter. Physical therapist and physical therapist assistant education programs that are accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association, Physiotherapy Education

1 Accreditation Canada, or such other body as may be approved by
2 the board by regulation shall be deemed approved by the board
3 unless the board determines otherwise. This chapter shall not
4 prohibit the board from disapproving any foreign physical therapist
5 or physical therapist assistant educational program or from denying
6 an applicant if, in the opinion of the board, the instruction received
7 by the applicant or the courses offered by the program were not
8 equivalent to that which is required by this chapter.

9 SEC. 48. Section 2652 of the Business and Professions Code
10 is repealed.

11 SEC. 49. Section 2653 of the Business and Professions Code
12 is repealed.

13 SEC. 50. Section 2653 is added to the Business and Professions
14 Code, to read:

15 2653. An applicant for a license as a physical therapist who
16 has graduated from a physical therapist education program that is
17 not approved by the board and is not located in the United States
18 shall do all of the following:

19 (a) Furnish documentary evidence satisfactory to the board, that
20 he or she has completed a professional degree in a physical
21 therapist educational program substantially equivalent at the time
22 of his or her graduation to that issued by a board approved physical
23 therapist education program. The professional degree must entitle
24 the applicant to practice as a physical therapist in the country where
25 the diploma was issued. The applicant shall meet the educational
26 requirements set forth in paragraph (2) of subdivision (a) of Section
27 2650. The board may require an applicant to submit documentation
28 of his or her education to a credentials evaluation service for review
29 and a report to the board.

30 (b) Demonstrate proficiency in English by achieving a score
31 specified by the board on the Test of English as a Foreign Language
32 administered by the Educational Testing Services or such other
33 examination as may be specified by the board by regulation.

34 (c) Complete nine months of clinical service in a location
35 approved by the board under the supervision of a physical therapist
36 licensed by a United States jurisdiction, in a manner satisfactory
37 to the board. The applicant shall have passed the written
38 examination required in Section 2636 prior to commencing the
39 period of clinical service. The board shall require the supervising
40 physical therapist to evaluate the applicant and report his or her

1 findings to the board. The board may in its discretion waive all or
2 part of the required clinical service pursuant to guidelines set forth
3 in its regulations. During the period of clinical service, the applicant
4 shall be identified as a physical therapist license applicant. If an
5 applicant fails to complete the required period of clinical service,
6 the board may, for good cause shown, allow the applicant to
7 complete another period of clinical service.

8 SEC. 51. Section 2654 is added to the Business and Professions
9 Code, to read:

10 2654. If an applicant who has graduated from a physical
11 therapist education program that is not approved by the board and
12 is not located in the United States does not qualify to take the
13 physical therapist examination, his or her education may be
14 evaluated by the board and the applicant may be eligible to take
15 the physical therapist assistant examination.

16 SEC. 52. Article 4.5 (commencing with Section 2655) of
17 Chapter 5.7 of Division 2 of the Business and Professions Code
18 is repealed.

19 SEC. 53. The heading of Article 5 (commencing with Section
20 2660) of Chapter 5.7 of Division 2 of the Business and Professions
21 Code is amended and renumbered to read:

22
23 Article 6. Enforcement
24

25 SEC. 54. Section 2660 of the Business and Professions Code
26 is amended to read:

27 2660. Unprofessional conduct constitutes grounds for citation,
28 discipline, denial of a license, or issuance of a probationary license.
29 The board may, after the conduct of appropriate proceedings under
30 the Administrative Procedure Act (Chapter 4.5 (commencing with
31 Section 11400) of Part 1 of Division 3 of Title 2 of the Government
32 Code), issue a citation, impose discipline, deny a license, suspend
33 for not more than 12 months, or revoke, or impose probationary
34 conditions upon any license issued under this chapter for
35 unprofessional conduct that includes, in addition to other provisions
36 of this chapter, but is not limited to, the following:

37 (a) Violating or attempting to violate, directly or indirectly,
38 assisting in or abetting the violation of, or conspiring to violate
39 any provision of this chapter, any regulations duly adopted under

1 this chapter, or the Medical Practice Act (Chapter 5 (commencing
2 with Section ~~2000~~: 2000)).

3 (b) Advertising in violation of Section 17500.

4 (c) Obtaining or attempting to obtain a license by fraud or
5 misrepresentation.

6 (d) Practicing or offering to practice beyond the scope of practice
7 of physical therapy.

8 (e) Conviction of a crime that substantially relates to the
9 qualifications, functions, or duties of a physical therapist or
10 physical therapist assistant. The record of conviction or a certified
11 copy thereof shall be conclusive evidence of that conviction.

12 (f) Unlawful possession or use of, or conviction of a criminal
13 offense involving, a controlled substance as defined in Division
14 10 (commencing with Section 11000) of the Health and Safety
15 Code, or any dangerous drug as defined in Article 2 (commencing
16 with Section 4015) of Chapter 9, as follows:

17 (1) Obtaining or possessing in violation of law, or except as
18 directed by a licensed physician and surgeon, dentist, or podiatrist,
19 administering to himself or herself, or furnishing or administering
20 to another, any controlled substances or any dangerous drug.

21 (2) Using any controlled substance or any dangerous drug.

22 (3) Conviction of a criminal offense involving the consumption
23 or self-administration of, or the possession of, or falsification of
24 a record pertaining to, any controlled substance or any dangerous
25 drug, in which event the record of the conviction is conclusive
26 evidence thereof.

27 (g) Failure to maintain adequate and accurate records relating
28 to the provision of services to his or her patients.

29 (h) Gross negligence or repeated acts of negligence in practice
30 or in the delivery of physical therapy care.

31 (i) Aiding or abetting any person to engage in the unlawful
32 practice of physical therapy.

33 (j) The commission of any fraudulent, dishonest, or corrupt act
34 that is substantially related to the qualifications, functions, or duties
35 of a physical therapist or physical therapist assistant.

36 (k) Except for good cause, the knowing failure to protect patients
37 by failing to follow infection control guidelines of the board,
38 thereby risking transmission of blood-borne infectious diseases
39 from licensee to patient, from patient to patient, and from patient
40 to licensee. In administering this subdivision, the board shall

1 consider referencing the standards, regulations, and guidelines of
2 the State Department of Public Health developed pursuant to
3 Section 1250.11 of the Health and Safety Code and the standards,
4 regulations, and guidelines pursuant to the California Occupational
5 Safety and Health Act of 1973 (Part 1 (commencing with Section
6 6300) of Division 5 of the Labor Code) for preventing the
7 transmission of HIV, hepatitis B, and other blood-borne pathogens
8 in health care settings. As necessary, the board shall consult with
9 the Medical Board of California, the California Board of Podiatric
10 Medicine, the Dental Board of California, the Board of Registered
11 Nursing, and the Board of Vocational Nursing and Psychiatric
12 Technicians of the State of California, to encourage appropriate
13 consistency in the implementation of this subdivision.

14 (l) The commission of verbal abuse or sexual harassment.

15 (m) Engaging in sexual misconduct or violating Section 726.

16 (n) Permitting a physical therapist assistant or physical therapy
17 aide under one's supervision or control to perform, or permitting
18 the physical therapist assistant or physical therapy aide to hold
19 himself or herself out as competent to perform, professional
20 services beyond the level of education, training, and experience
21 of the physical therapist assistant or aide.

22 (o) The revocation, suspension, or other discipline, restriction,
23 or limitation imposed by another state upon a license or certificate
24 to practice physical therapy issued by that state, or the revocation,
25 suspension, or restriction of the authority to practice physical
26 therapy by any agency of the federal government.

27 (p) Viewing a completely or partially disrobed patient in the
28 course of treatment if the viewing is not necessary to patient
29 evaluation or treatment under current standards.

30 (q) Engaging in any act in violation of Section 650, 651, or
31 654.2.

32 (r) Charging a fee for services not performed.

33 (s) Misrepresenting documentation of patient care or deliberate
34 falsifying of patient records.

35 (t) Except as otherwise allowed by law, the employment of
36 runners, cappers, steerers, or other persons to procure patients.

37 (u) The willful, unauthorized violation of professional
38 confidence.

39 (v) Failing to maintain confidentiality, except as otherwise
40 required or permitted by law, of all information that has been

1 received from a patient in confidence during the course of treatment
2 and all information about the patient that is obtained from tests or
3 other means.

4 (w) Habitual intemperance.

5 *SEC. 54.5. Section 2660 of the Business and Professions Code*
6 *is amended to read:*

7 2660. *Unprofessional conduct constitutes grounds for citation,*
8 *discipline, denial of a license, or issuance of a probationary*
9 *license. The board may, after the conduct of appropriate*
10 *proceedings under the Administrative Procedure Act, Act (Chapter*
11 *4.5 (commencing with Section 11400) of Part 1 of Division 3 of*
12 *Title 2 of the Government Code), issue a citation, impose discipline,*
13 *deny a license, suspend for not more than 12 months, or revoke,*
14 *or impose probationary conditions upon any license, certificate,*
15 *or approval license issued under this chapter for unprofessional*
16 *conduct that includes, in addition to other provisions of this*
17 *chapter, but is not limited to, one or any combination of the*
18 *following causes: the following:*

19 (a) *Violating or attempting to violate, directly or indirectly,*
20 *assisting in or abetting the violation of, or conspiring to violate*
21 *any provision of this chapter, any regulations duly adopted under*
22 *this chapter, or the Medical Practice Act (Chapter 5 (commencing*
23 *with Section 2000)).*

24 ~~(a)~~

25 (b) *Advertising in violation of Section 17500.*

26 ~~(b) Fraud in the procurement of any license under this chapter.~~

27 ~~(c) Procuring or aiding or offering to procure or aid in criminal~~
28 ~~abortion.~~

29 (c) *Obtaining or attempting to obtain a license by fraud or*
30 *misrepresentation.*

31 (d) *Practicing or offering to practice beyond the scope of*
32 *practice of physical therapy.*

33 ~~(d)~~

34 (e) *Conviction of a crime that substantially relates to the*
35 *qualifications, functions, or duties of a physical therapist or*
36 *physical therapist assistant. The record of conviction or a certified*
37 *copy thereof shall be conclusive evidence of that conviction.*

38 ~~(e) Habitual intemperance.~~

39 ~~(f) Addiction to the excessive use of any habit-forming drug.~~

~~(g) Gross negligence in his or her practice as a physical therapist or physical therapist assistant.~~

~~(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.~~

~~(i) The aiding or abetting of any person to violate this chapter or any regulations duly adopted under this chapter.~~

(f) Unlawful possession or use of, or conviction of a criminal offense involving, a controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 2 (commencing with Section 4015) of Chapter 9, as follows:

(1) Obtaining or possessing in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administering to himself or herself, or furnishing or administering to another, any controlled substances or any dangerous drug.

(2) Using any controlled substance or any dangerous drug.

(3) Conviction of a criminal offense involving the consumption or self-administration of, or the possession of, or falsification of a record pertaining to, any controlled substance or any dangerous drug, in which event the record of the conviction is conclusive evidence thereof.

(g) Failure to maintain adequate and accurate records relating to the provision of services to his or her patients.

(h) Gross negligence or repeated acts of negligence in practice or in the delivery of physical therapy care.

~~(j) The aiding~~

(i) Aiding or abetting of any person to engage in the unlawful practice of physical therapy.

~~(k)~~

(j) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.

~~(l)~~

(k) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne bloodborne infectious diseases from licensee to patient, from patient to patient, and from

1 patient to licensee. In administering this subdivision, the board
2 shall consider referencing the standards, regulations, and guidelines
3 of the State Department of Public Health developed pursuant to
4 Section 1250.11 of the Health and Safety Code and the standards,
5 regulations, and guidelines pursuant to the California Occupational
6 Safety and Health Act of 1973 (Part 1 (commencing with Section
7 6300) of Division 5 of the Labor Code) for preventing the
8 transmission of HIV, hepatitis B, and other ~~blood-borne~~ *bloodborne*
9 pathogens in health care settings. As necessary, the board shall
10 consult with the Medical Board of California, the California Board
11 of Podiatric Medicine, the Dental Board of California, the Board
12 of Registered Nursing, and the Board of Vocational Nursing and
13 Psychiatric Technicians of the State of California, to encourage
14 appropriate consistency in the implementation of this subdivision.

15 ~~The board shall seek to ensure that licensees are informed of the~~
16 ~~responsibility of licensees and others to follow infection control~~
17 ~~guidelines, and of the most recent scientifically recognized~~
18 ~~safeguards for minimizing the risk of transmission of blood-borne~~
19 ~~infectious diseases.~~

20 ~~(m)~~

21 *(l) The commission of verbal abuse or sexual harassment.*

22 *(m) Engaging in sexual misconduct or violating Section 726.*

23 *(n) Permitting a physical therapist assistant or physical therapy*
24 *aide under one's supervision or control to perform, or permitting*
25 *the physical therapist assistant or physical therapy aide to hold*
26 *himself or herself out as competent to perform, professional*
27 *services beyond the level of education, training, and experience*
28 *of the physical therapist assistant or aide.*

29 *(o) The revocation, suspension, or other discipline, restriction,*
30 *or limitation imposed by another state upon a license or certificate*
31 *to practice physical therapy issued by that state, or the revocation,*
32 *suspension, or restriction of the authority to practice physical*
33 *therapy by any agency of the federal government.*

34 *(p) Viewing a completely or partially disrobed patient in the*
35 *course of treatment if the viewing is not necessary to patient*
36 *evaluation or treatment under current standards.*

37 *(q) Engaging in any act in violation of Section 650, 651, or*
38 *654.2.*

39 *(r) Charging a fee for services not performed.*

1 (s) *Misrepresenting documentation of patient care or deliberate*
2 *falsifying of patient records.*

3 (t) *Except as otherwise allowed by law, the employment of*
4 *runners, cappers, steerers, or other persons to procure patients.*

5 (u) *The willful, unauthorized violation of professional*
6 *confidence.*

7 (v) *Failing to maintain confidentiality, except as otherwise*
8 *required or permitted by law, of all information that has been*
9 *received from a patient in confidence during the course of*
10 *treatment and all information about the patient that is obtained*
11 *from tests or other means.*

12 (w) *Habitual intemperance.*

13 (x) *Failure to comply with the provisions of Section 2620.1.*

14 SEC. 55. Section 2660.2 of the Business and Professions Code
15 is amended to read:

16 2660.2. (a) The board may refuse a license to any applicant
17 guilty of unprofessional conduct or sexual activity referred to in
18 Section 2660.1. The board may, in its sole discretion, issue a public
19 letter of reprimand or may issue a probationary license to any
20 applicant for a license who is guilty of unprofessional conduct but
21 who has met all other requirements for licensure. The board may
22 issue the license subject to any terms or conditions not contrary
23 to public policy, including, but not limited to, the following:

24 (1) Medical or psychiatric evaluation.

25 (2) Continuing medical or psychiatric treatment.

26 (3) Restriction of the type or circumstances of practice.

27 (4) Continuing participation in a board-approved rehabilitation
28 program.

29 (5) Abstention from the use of alcohol or drugs.

30 (6) Random fluid testing for alcohol or drugs.

31 (7) Compliance with laws and regulations governing the practice
32 of physical therapy.

33 (b) The applicant shall have the right to appeal the denial, or
34 the issuance with terms and conditions, of any license in
35 accordance with Chapter 5 (commencing with Section 11500) of
36 Part 1 of Division 3 of Title 2 of the Government Code, and the
37 board shall have all the powers granted therein. The action shall
38 be final, except that the propriety of the action is subject to review
39 by the superior court pursuant to Section 1094.5 of the Code of
40 Civil Procedure.

1 (c) In lieu of refusing a license, the board may, upon stipulation
2 or agreement by the licensee, issue a public letter of reprimand
3 after it has conducted an investigation or inspection as provided
4 for in this chapter. The public letter of reprimand may include a
5 requirement for specified training or education, and cost recovery
6 for investigative costs. The board shall notify the licensee of its
7 intention to issue the letter 30 days before the intended issuance
8 date of the letter. The licensee shall indicate in writing at least 15
9 days prior to the letter's intended issuance date whether he or she
10 agrees to the issuance of the letter. The board, at its option, may
11 extend the time within which the licensee may respond to its
12 notification. If the licensee does not agree to the issuance of the
13 letter, the board shall not issue the letter and may proceed to file
14 the accusation. The board may use a public letter of reprimand
15 only for minor violations, as defined by the board, committed by
16 the applicant. A public letter of reprimand issued pursuant to this
17 section shall be disclosed by the board to an inquiring member of
18 the public and shall be posted on the board's Internet Web site.

19 SEC. 56. Section 2660.3 of the Business and Professions Code
20 is amended to read:

21 2660.3. In lieu of filing or prosecuting a formal accusation
22 against a licensee, the board may, upon stipulation or agreement
23 by the licensee, issue a public letter of reprimand after it has
24 conducted an investigation or inspection as provided for in this
25 chapter. The public letter of reprimand may include a requirement
26 for specified training or education, and cost recovery for
27 investigative costs. The board shall notify the licensee of its
28 intention to issue the letter 30 days before the intended issuance
29 date of the letter. The licensee shall indicate in writing at least 15
30 days prior to the letter's intended issuance date whether he or she
31 agrees to the issuance of the letter. The board, at its option, may
32 extend the time within which the licensee may respond to its
33 notification. If the licensee does not agree to the issuance of the
34 letter, the board shall not issue the letter and may proceed to file
35 the accusation. The board may use a public letter of reprimand
36 only for minor violations, as defined by the board, committed by
37 the licensee. A public letter of reprimand issued pursuant to this
38 section shall be disclosed by the board to an inquiring member of
39 the public and shall be posted on the board's Internet Web site.

1 SEC. 57. Section 2660.4 is added to the Business and
2 Professions Code, to read:

3 2660.4. A licensee who fails or refuses to comply with a request
4 from the board for the medical records of a patient, that is
5 accompanied by that patient's written authorization for release of
6 records to the board, within 15 days of receiving the request and
7 authorization shall pay to the board a civil penalty of one thousand
8 dollars (\$1,000) per day for each day that the records have not
9 been produced after the 15th day, unless the licensee is unable to
10 provide the records within this time period for good cause.

11 SEC. 58. Section 2660.5 of the Business and Professions Code
12 is amended to read:

13 2660.5. The board shall deny a physical therapist license or
14 physical therapist assistant license to an applicant who is required
15 to register pursuant to Section 290 of the Penal Code. This section
16 does not apply to an applicant who is required to register as a sex
17 offender pursuant to Section 290 of the Penal Code solely because
18 of a misdemeanor conviction under Section 314 of the Penal Code.

19 SEC. 59. Section 2660.8 is added to the Business and
20 Professions Code, to read:

21 2660.8. A licensee whose matter has been heard by an
22 administrative law judge of the Medical Quality Hearing Panel as
23 designated in Section 11371 of the Government Code, or whose
24 default has been entered or who has entered into a stipulation for
25 disciplinary action with the board, may, in accordance with the
26 provisions of this chapter:

27 (a) Have his or her license revoked upon order of the board.

28 (b) Have his or her right to practice suspended for a period not
29 to exceed one year upon order of the board.

30 (c) Be placed on probation and required to pay the costs of
31 probation monitoring upon order of the board.

32 (d) Be publicly reprimanded by the board.

33 (e) Be required to surrender his or her license based on an order
34 of the board.

35 (f) Have any other action taken in relation to discipline as part
36 of an order of probation, as the board or an administrative law
37 judge may deem proper.

38 SEC. 60. Section 2661 of the Business and Professions Code
39 is amended to read:

1 2661. A plea or verdict of guilty or a conviction following a
2 plea of nolo contendere is deemed to be a conviction within the
3 meaning of this article. The board may order discipline of the
4 licensee in accordance with Section 2660 or the board may take
5 action as authorized in Section 2660.2 on an application when the
6 time for appeal has elapsed, or the judgment of conviction has
7 been affirmed on appeal or when an order granting probation is
8 made suspending the imposition of sentence, irrespective of a
9 subsequent order under Section 1203.4 of the Penal Code allowing
10 that person to withdraw his or her plea of guilty and to enter a plea
11 of not guilty, or setting aside the verdict of guilty, or dismissing
12 the accusation, information, or indictment.

13 SEC. 61. Section 2661.7 of the Business and Professions Code
14 is amended to read:

15 2661.7. (a) A person whose license has been revoked or
16 suspended, or who has been placed on probation, may petition the
17 board for reinstatement or modification of penalty, including
18 modification or termination of probation, after a period of not less
19 than the following minimum periods has elapsed from the effective
20 date of the decision ordering that disciplinary action:

21 (1) At least three years for reinstatement of a license or approval
22 revoked for unprofessional conduct, except that the board may,
23 for good cause shown, specify in a revocation order that a petition
24 for reinstatement may be filed after two years.

25 (2) At least two years for early termination or one year for
26 modification of a condition of probation of three years or more.

27 (3) At least one year for reinstatement of a license revoked for
28 mental or physical illness, or for modification of a condition, or
29 termination of probation of less than three years.

30 (b) The petition shall state any facts as may be required by the
31 board. The petition shall be accompanied by at least two verified
32 recommendations from physical therapists licensed by the board
33 who have personal knowledge of the activities of the petitioner
34 since the disciplinary penalty was imposed.

35 (c) The petition may be heard by the board. The board may
36 assign the petition to an administrative law judge designated in
37 Section 11371 of the Government Code. After a hearing on the
38 petition, the administrative law judge shall provide a proposed
39 decision to the board that shall be acted upon in accordance with
40 the Administrative Procedure Act.

1 (d) The board or the administrative law judge hearing the
2 petition may consider all activities of the petitioner since the
3 disciplinary action was taken, the offense for which the petitioner
4 was disciplined, the petitioner's activities during the time the
5 license was in good standing, and the petitioner's rehabilitative
6 efforts, general reputation for truth, and professional ability. The
7 hearing may be continued, as the board or the administrative law
8 judge designated in Section 11371 of the Government Code finds
9 necessary.

10 (e) The administrative law judge designated in Section 11371
11 of the Government Code when hearing a petition for reinstating a
12 license, or modifying a penalty, may recommend the imposition
13 of any terms and conditions deemed necessary.

14 (f) No petition shall be considered while the petitioner is under
15 sentence for any criminal offense, including any period during
16 which the petitioner is on court-imposed probation or parole. No
17 petition shall be considered while there is an accusation or petition
18 to revoke probation pending against the petitioner. The board may
19 deny, without a hearing or argument, any petition filed pursuant
20 to this section within a period of two years from the effective date
21 of the prior decision following a hearing under this section.

22 (g) Nothing in this section shall be deemed to alter Sections 822
23 and 823.

24 SEC. 62. The heading of Article 5.5 (commencing with Section
25 2662) of Chapter 5.7 of Division 2 of the Business and Professions
26 Code is amended and renumbered to read:

27
28 Article 7. Substance Abuse Rehabilitation Program
29

30 SEC. 63. Section 2663 of the Business and Professions Code
31 is amended to read:

32 2663. The board shall establish and administer a substance
33 abuse rehabilitation program, hereafter referred to as the
34 rehabilitation program, for the rehabilitation of physical therapists
35 and physical therapist assistants whose competency is impaired
36 due to the abuse of drugs or alcohol. The board may contract with
37 any other state agency or a private organization to perform its
38 duties under this article. The board may establish one or more
39 rehabilitation evaluation committees to assist it in carrying out its
40 duties under this article. Any rehabilitation evaluation committee

1 established by the board shall operate under the direction of the
2 rehabilitation program manager, as designated by the executive
3 officer of the board. The program manager has the primary
4 responsibility to review and evaluate recommendations of the
5 committee.

6 SEC. 64. Section 2664 of the Business and Professions Code
7 is amended to read:

8 2664. (a) Any rehabilitation evaluation committee established
9 by the board shall have at least three members. In making
10 appointments to a rehabilitation evaluation committee, the board
11 shall consider the appointment of persons who are either recovering
12 from substance abuse and have been free from substance abuse
13 for at least three years immediately prior to their appointment or
14 who are knowledgeable in the treatment and recovery of substance
15 abuse. The board also shall consider the appointment of a physician
16 and surgeon who is board certified in psychiatry.

17 (b) Appointments to a rehabilitation evaluation committee shall
18 be by the affirmative vote of a majority of members appointed to
19 the board. Each appointment shall be at the pleasure of the board
20 for a term not to exceed four years. In its discretion, the board may
21 stagger the terms of the initial members so appointed.

22 (c) A majority of the members of a rehabilitation evaluation
23 committee shall constitute a quorum for the transaction of business.
24 Any action requires an affirmative vote of a majority of those
25 members present at a meeting constituting at least a quorum. Each
26 rehabilitation evaluation committee shall elect from its membership
27 a chairperson and a vice chairperson. Notwithstanding the
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
30 the Government Code), relating to public meetings, a rehabilitation
31 evaluation committee may convene in closed session to consider
32 matters relating to any physical therapist or physical therapist
33 assistant applying for or participating in a rehabilitation program,
34 and a meeting which will be convened entirely in closed session
35 need not comply with Section 11125 of the Government Code. A
36 rehabilitation evaluation committee shall only convene in closed
37 session to the extent it is necessary to protect the privacy of an
38 applicant or participant. Each member of a rehabilitation evaluation
39 committee shall receive a per diem and shall be reimbursed for
40 expenses as provided in Section 103.

1 SEC. 65. Section 2665 of the Business and Professions Code
2 is amended to read:

3 2665. Each rehabilitation evaluation committee has the
4 following duties and responsibilities:

5 (a) To evaluate physical therapists and physical therapist
6 assistants who request participation in the rehabilitation program
7 and to make recommendations. In making recommendations, the
8 committee shall consider any recommendations from professional
9 consultants on the admission of applicants to the rehabilitation
10 program.

11 (b) To review and designate treatment facilities to which
12 physical therapists and physical therapist assistants in the
13 rehabilitation program may be referred.

14 (c) To receive and review information concerning physical
15 therapists and physical therapist assistants participating in the
16 program.

17 (d) Calling meetings as necessary to consider the requests of
18 physical therapists and physical therapist assistants to participate
19 in the rehabilitation program, to consider reports regarding
20 participants in the program, and to consider any other matters
21 referred to it by the board.

22 (e) To consider whether each participant in the rehabilitation
23 program may with safety continue or resume the practice of
24 physical therapy.

25 (f) To set forth in writing the terms and conditions of the
26 rehabilitation agreement that is approved by the program manager
27 for each physical therapist and physical therapist assistant
28 participating in the program, including treatment, supervision, and
29 monitoring requirements.

30 (g) To hold a general meeting at least twice a year, which shall
31 be open and public, to evaluate the rehabilitation program's
32 progress, to prepare reports to be submitted to the board, and to
33 suggest proposals for changes in the rehabilitation program.

34 (h) For the purposes of Division 3.6 (commencing with Section
35 810) of Title 1 of the Government Code, any member of a
36 rehabilitation evaluation committee shall be considered a public
37 employee. No board or rehabilitation evaluation committee
38 member, contractor, or agent thereof, shall be liable for any civil
39 damage because of acts or omissions which may occur while acting
40 in good faith in a program established pursuant to this article.

1 SEC. 66. Section 2666 of the Business and Professions Code
2 is amended to read:

3 2666. (a) Criteria for acceptance into the rehabilitation program
4 shall include all of the following:

5 (1) The applicant shall be licensed as a physical therapist or as
6 a physical therapist assistant by the board and shall be a resident
7 of California.

8 (2) The applicant shall be found to abuse dangerous drugs or
9 alcoholic beverages in a manner that may affect his or her ability
10 to practice physical therapy safely or competently.

11 (3) The applicant shall have voluntarily requested admission to
12 the program or shall be accepted into the program in accordance
13 with terms and conditions resulting from a disciplinary action.

14 (4) The applicant shall agree to undertake any medical or
15 psychiatric examination ordered to evaluate the applicant for
16 participation in the program.

17 (5) The applicant shall cooperate with the program by providing
18 medical information, disclosure authorizations, and releases of
19 liability as may be necessary for participation in the program.

20 (6) The applicant shall agree in writing to cooperate with all
21 elements of the treatment program designed for him or her.

22 Any applicant may be denied participation in the program if the
23 board, the program manager, or a rehabilitation evaluation
24 committee determines that the applicant will not substantially
25 benefit from participation in the program or that the applicant's
26 participation in the program creates too great a risk to the public
27 health, safety, or welfare.

28 (b) A participant may be terminated from the program for any
29 of the following reasons:

30 (1) The participant has successfully completed the treatment
31 program.

32 (2) The participant has failed to comply with the treatment
33 program designated for him or her.

34 (3) The participant fails to meet any of the criteria set forth in
35 subdivision (a) or (c).

36 (4) It is determined that the participant has not substantially
37 benefited from participation in the program or that his or her
38 continued participation in the program creates too great a risk to
39 the public health, safety, or welfare. Whenever an applicant is
40 denied participation in the program or a participant is terminated

1 from the program for any reason other than the successful
2 completion of the program, and it is determined that the continued
3 practice of physical therapy by that individual creates too great a
4 risk to the public health, safety, and welfare, that fact shall be
5 reported to the executive officer of the board and all documents
6 and information pertaining to and supporting that conclusion shall
7 be provided to the executive officer. The matter may be referred
8 for investigation and disciplinary action by the board. Each physical
9 therapist or physical therapy assistant who requests participation
10 in a rehabilitation program shall agree to cooperate with the
11 recovery program designed for him or her. Any failure to comply
12 with that program may result in termination of participation in the
13 program.

14 The rehabilitation evaluation committee shall inform each
15 participant in the program of the procedures followed in the
16 program, of the rights and responsibilities of a physical therapist
17 or physical therapist assistant in the program, and the possible
18 results of noncompliance with the program.

19 (c) In addition to the criteria and causes set forth in subdivision
20 (a), the board may set forth in its regulations additional criteria for
21 admission to the program or causes for termination from the
22 program.

23 SEC. 67. Section 2667 of the Business and Professions Code
24 is amended to read:

25 2667. All board and rehabilitation evaluation committee records
26 and records of proceedings and participation of a physical therapist
27 or physical therapist assistant in a program shall be confidential
28 and are not subject to discovery or subpoena.

29 SEC. 68. Section 2668 of the Business and Professions Code
30 is amended to read:

31 2668. (a) A fee to cover the actual cost of administering the
32 program shall be charged for participation in the program. If the
33 board contracts with any other entity to carry out this article, at
34 the discretion of the board, the fee may be collected and retained
35 by that entity.

36 (b) If the board contracts with any other entity to carry out this
37 section, the executive officer of the board, or his or her designee,
38 shall review the activities and performance of the contractor on a
39 biennial basis. As part of this review, the board shall review files
40 of participants in the program. However, the names of participants

1 who entered the program voluntarily shall remain confidential,
2 except when the review reveals misdiagnosis, case
3 mismanagement, or noncompliance by the participant.

4 (c) Subdivision (a) shall apply to all new participants entering
5 into the board's rehabilitation program on or after January 1, 2007.
6 Subdivision (a) shall apply on and after January 1, 2008, to
7 participants currently enrolled as of December 31, 2007.

8 SEC. 69. Section 2669 of the Business and Professions Code
9 is amended to read:

10 2669. Participation in a rehabilitation program shall not be a
11 defense to any disciplinary action that may be taken by the board.
12 This section does not preclude the board from commencing
13 disciplinary action against a physical therapist or physical therapist
14 assistant who is terminated unsuccessfully from the program. That
15 disciplinary action may not include as evidence any confidential
16 information.

17 SEC. 70. The heading of Article 6 (commencing with Section
18 2670) of Chapter 5.7 of Division 2 of the Business and Professions
19 Code is amended and renumbered to read:

20
21 Article 8. Offenses Against this Chapter
22

23 SEC. 71. Section 2672 of the Business and Professions Code
24 is amended to read:

25 2672. Whenever any person has engaged or is about to engage
26 in any acts or practices that constitute or will constitute an offense
27 against this chapter, the superior court of any county, on application
28 of the board, or 10 or more persons holding physical therapist
29 licenses issued under this chapter, may issue an injunction or other
30 appropriate order restraining the conduct. Proceedings under this
31 section shall be governed by Chapter 3 (commencing with Section
32 525) of Title 7 of Part 2 of the Code of Civil Procedure.

33 SEC. 72. The heading of Article 6.5 (commencing with Section
34 2676) of Chapter 5.7 of Division 2 of the Business and Professions
35 Code is repealed.

36 SEC. 73. Section 2676 of the Business and Professions Code
37 is amended and renumbered to read:

38 2649. (a) A person renewing his or her license shall submit
39 proof satisfactory to the board that, during the preceding two years,
40 he or she has completed the required number of continuing

1 education hours established by regulation by the board, or such
2 other proof of continuing competency as the board may establish
3 by regulation. Required continuing education shall not exceed 30
4 hours every two years.

5 (b) The board shall adopt and administer regulations including,
6 but not limited to, continuing education intended to ensure the
7 continuing competency of persons licensed pursuant to this chapter.
8 The board may establish different requirements for physical
9 therapists and physical therapist assistants. The board may not
10 require the completion of an additional postsecondary degree or
11 successful completion of an examination as a condition of renewal,
12 but may recognize these as demonstrative of continuing
13 competency. This program shall include provisions requiring
14 random audits of licensees in order to ensure compliance.

15 (c) The administration of this section may be funded through
16 professional license fees, continuing education provider fees, and
17 recognized approval agency fees. The fees shall not exceed the
18 amounts necessary to cover the actual costs of administering this
19 section.

20 SEC. 74. The heading of Article 7 (commencing with Section
21 2680) of Chapter 5.7 of Division 2 of the Business and Professions
22 Code is amended and renumbered to read:

23
24 Article 9. Fiscal Administration
25

26 SEC. 75. Section 2682 of the Business and Professions Code
27 is amended to read:

28 2682. There is in the State Treasury the Physical Therapy Fund.
29 All collections from persons licensed or seeking to be licensed
30 shall be paid by the board into the fund after reporting to the
31 Controller at the beginning of each month the amount and source
32 of the collections. All money in the Physical Therapy Fund is
33 appropriated for the exclusive purpose of executing this chapter.

34 SEC. 76. Section 2683 of the Business and Professions Code
35 is repealed.

36 SEC. 77. Section 2684 of the Business and Professions Code
37 is repealed.

38 SEC. 78. Section 2685 of the Business and Professions Code
39 is repealed.

1 SEC. 79. The heading of Article 8 (commencing with Section
2 2690) of Chapter 5.7 of Division 2 of the Business and Professions
3 Code is amended and renumbered to read:

4
5 Article 10. Physical Therapy Corporations
6

7 SEC. 80. Section 12529 of the Government Code, as amended
8 by Section 113 of Chapter 332 of the Statutes of 2012, is amended
9 to read:

10 12529. (a) There is in the Department of Justice the Health
11 Quality Enforcement Section. The primary responsibility of the
12 section is to prosecute proceedings against licensees and applicants
13 within the jurisdiction of the Medical Board of California, the
14 California Board of Podiatric Medicine, the Board of Psychology,
15 the Physical Therapy Board of California, or any committee under
16 the jurisdiction of the Medical Board of California, and to provide
17 ongoing review of the investigative activities conducted in support
18 of those prosecutions, as provided in subdivision (b) of Section
19 12529.5.

20 (b) The Attorney General shall appoint a Senior Assistant
21 Attorney General of the Health Quality Enforcement Section. The
22 Senior Assistant Attorney General of the Health Quality
23 Enforcement Section shall be an attorney in good standing licensed
24 to practice in the State of California, experienced in prosecutorial
25 or administrative disciplinary proceedings and competent in the
26 management and supervision of attorneys performing those
27 functions.

28 (c) The Attorney General shall ensure that the Health Quality
29 Enforcement Section is staffed with a sufficient number of
30 experienced and able employees that are capable of handling the
31 most complex and varied types of disciplinary actions against the
32 licensees of the boards.

33 (d) Funding for the Health Quality Enforcement Section shall
34 be budgeted in consultation with the Attorney General from the
35 special funds financing the operations of the Medical Board of
36 California, the California Board of Podiatric Medicine, the Board
37 of Psychology, the Physical Therapy Board of California, and the
38 committees under the jurisdiction of the Medical Board of
39 California, with the intent that the expenses be proportionally
40 shared as to services rendered.

1 (e) This section shall become operative on January 1, 2014.

2 SEC. 81. Section 12529.5 of the Government Code, as amended
3 by Section 115 of Chapter 332 of the Statutes of 2012, is amended
4 to read:

5 12529.5. (a) All complaints or relevant information concerning
6 licensees that are within the jurisdiction of the Medical Board of
7 California, the California Board of Podiatric Medicine, the Board
8 of Psychology, or the Physical Therapy Board of California, shall
9 be made available to the Health Quality Enforcement Section.

10 (b) The Senior Assistant Attorney General of the Health Quality
11 Enforcement Section shall assign attorneys to assist the boards in
12 intake and investigations and to direct discipline-related
13 prosecutions. Attorneys shall be assigned to work closely with
14 each major intake and investigatory unit of the boards, to assist in
15 the evaluation and screening of complaints from receipt through
16 disposition, and to assist in developing uniform standards and
17 procedures for the handling of complaints and investigations.

18 A deputy attorney general of the Health Quality Enforcement
19 Section shall frequently be available on location at each of the
20 working offices at the major investigation centers of the boards,
21 to provide consultation and related services and engage in case
22 review with the boards' investigative, medical advisory, and intake
23 staff. The Senior Assistant Attorney General and his or her deputy
24 attorneys general working at his or her direction shall consult as
25 appropriate with the investigators of the boards, medical advisors,
26 and executive staff in the investigation and prosecution of
27 disciplinary cases.

28 (c) The Senior Assistant Attorney General or his or her deputy
29 attorneys general shall assist the boards in designing and providing
30 initial and in-service training programs for staff of the boards,
31 including, but not limited to, information collection and
32 investigation.

33 (d) The determination to bring a disciplinary proceeding against
34 a licensee of the boards shall be made by the executive officer of
35 the boards as appropriate in consultation with the senior assistant.

36 (e) This section shall become operative on January 1, 2014.

37 SEC. 82. *Section 54.5 of this bill incorporates amendments to*
38 *Section 2660 of the Business and Professions Code proposed by*
39 *both this bill and Assembly Bill 1000. It shall only become*
40 *operative if (1) both bills are enacted and become effective on or*

1 *before January 1, 2014, (2) each bill amends Section 2660 of the*
2 *Business and Professions Code, and (3) this bill is enacted after*
3 *Assembly Bill 1000, in which case Section 54 of this bill shall not*
4 *become operative.*

5 ~~SEC. 82.~~

6 SEC. 83. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

O